

OCT 12 2006

10/13/2006  
IAP6 Rec'd PCT/PTO 10 OCT 2006



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT

In the application of:

Calvez et al.

U.S. Application Serial No. 10/550,843 ) Group Art Unit: N/A  
Int. Application No. PCT/GB04/01233 )  
Int. Filing Date: March 24, 2004 )  
Priority Date March 24, 2003 )  
For: IMPROVEMENTS IN AND )  
RELATING TO VERTICAL- )  
CAVITY SEMICONDUCTOR )  
OPTICAL DEVICES )

**Mail Stop PETITION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION FOR REVIVAL OF APPLICATION FOR PATENT  
UNINTENTIONALLY ABANDONED UNDER 37 CFR 1.137(b)

Sir:

Applicant hereby petitions under 37 CFR 1.137(b) for revival of the above-identified application which was unintentionally abandoned by failing to pay the basic national fee as set forth in 37 CFR 1.495(b)(i) within 30 months from the priority date. Enclosed is a copy of the Notification of Abandonment mailed September 26, 2006.

Applicant submits that the entire delay in paying the basic national fee under 37 CFR 1.495(b)(i) to avoid abandonment of the above-identified application, that is from the expiration of thirty (30) months from the priority date of the above-identified application until the filing of this Petition under 37 CFR 1.137(b), was unintentional.

10/17/2006 MKAYPAGH 00000094 10550843

02 FC:2453

750.00 OP

10/13/2006 LNUYEN 00000014 10550843

01 FC:2453

750.00 OP

Upon grant of this Petition, applicant is submitting a check in the amount of \$150 to cover the basic national fee (small entity) in the above-identified application.

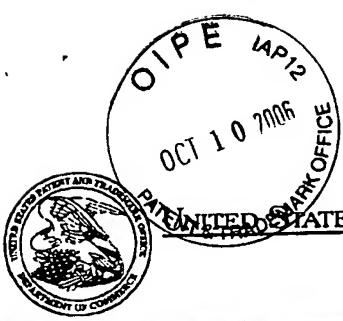
A check in the amount of \$750 for the petition fee under 37 CFR 1.17(m) is enclosed herewith.

In view of the above, applicant respectfully requests that this Petition be granted and the enclosed check for the basic national fee be properly credited to the above-identified application, and that the above-identified application be considered pending and in good standing in the Patent and Trademark Office. Should any matters remain unresolved, the Examiner is requested to call the undersigned attorney at the telephone number given below.

Respectfully submitted,

Date: 10/10/06

  
\_\_\_\_\_  
Frank J. Uxa  
Attorney for Applicant  
Acting under 37 CFR 1.34  
Registration No. 25,612  
4 Venture, Suite 300  
Irvine, California 92618  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

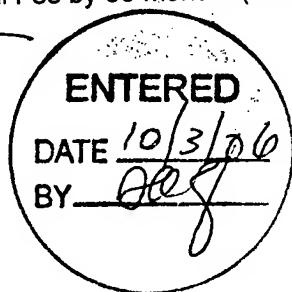
U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/550,843	Stephane Luc Dominique Calvez	D-3214
INTERNATIONAL APPLICATION NO.		
		PCT/GB04/01233
I.A. FILING DATE	PRIORITY DATE	
03/24/2004	03/24/2003	
33197 STOUT, UXA, BUYAN & MULLINS LLP 4 VENTURE, SUITE 300 IRVINE, CA 92618		
CONFIRMATION NO. 6005		
371 ABANDONMENT/TERMINATION LETTER		
 *OC000000020569826*		

Date Mailed: 09/26/2006

**NOTIFICATION OF ABANDONMENT**

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2)).



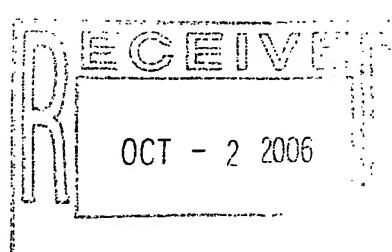
Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

INDIA L EVANS

Telephone: (703) 308-9140 EXT 212

**PART 1 - ATTORNEY/APPLICANT COPY**

FORM PCT/DO/EO/909 (371 Abandonment Notice)





## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/550,843 Confirmation No.  
Applicant : Calvez  
Filed : Int. Filing Date March 24, 2004  
Title : IMPROVEMENTS IN AND RELATING TO VERTICAL-CAVITY  
SEMICONDUCTER OPTICAL DEVICES  
TC/A.U. : NA  
Examiner : NA  
Docket No. : D-3214  
Customer No. : 33197

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Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### EXPRESS MAIL CERTIFICATE

EXPRESS MAIL MAILING LABEL NO.

EV517444038US

Date of Deposit:

October 10, 2006

I hereby certify that the following documents as identified below are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and are addressed to MAIL STOP PETITION Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450:

Utility Patent Application Transmittal  
 Fee Transmittal (in duplicate)  
 Declaration (\_\_\_\_ page(s))  
 Power of Attorney

Assignment; 37 CFR 3.73(b) Statement  
 Information Disclosure Statement  
 Stamped, self-addressed postcard  
 Other: 1. Petition to Revive,  
2. Check in the amount of \$150 for basic  
national filing fee.  
3. Check in the amount of \$750 for  
Petition fee.

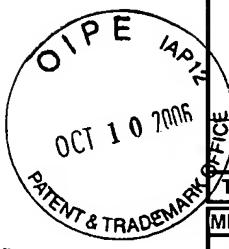
Each of the 3 above-identified documents are enclosed herewith.

Respectfully submitted,

Date: 10/10/2006



Janet McGhee  
Assistant to Frank Uxa  
Stout, Uxa, Buyan & Mullins, LLP  
4 Venture, Suite 300  
Irvine, California 92618  
Telephone: 949-450-1750



# FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision.

Application claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ 900)

## Complete if Known

Application Number	10/550,843
Int. Filing Date	March 24, 2004
First Named Inventor	Calvez
Examiner Name	N/A
Art Unit	N/A
Attorney Docket No.	D-3214

## METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_

Deposit Account Deposit Account Number 21-0890 Deposit Account Name Frank J. Uxa

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee

Charge any additional fee(s) associated with this communication  Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## FEE CALCULATION

### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	
Utility	300	150	500	250	200	100	150
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
							<b>Subtotal (1)</b> 150

### 2. EXCESS CLAIM FEES

#### Fee Description

Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent

Each Independent claim over 3 or, for Reissues, each Independent claim more than in the original patent

Multiple Dependent Claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
-20 or HP =	x					

HP = highest number of total claims paid for, if greater than 20

Indep. Claims Extra Claims Fee (\$) Fee Paid (\$)

-3 or HP = X

HP = highest number of independent claims paid for, if greater than 3

**Subtotal (2)** 0

### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
-100 =	/50 =	(round up to a whole number)	x	<b>Subtotal (3)</b> 0

### 4. OTHER FEE(S)

- Surcharge - Late filing fee or oath/declaration: \$130 fee (\$65 small entity discount)
- Non-English Specification: \$130 fee (no small entity discount)
- 1-month extension of time: \$120 fee (\$60 small entity discount)
- 2-month extension of time: \$450 fee (\$225 small entity discount)
- 3-month extension of time: \$1020 fee (\$510 small entity discount)
- 4-month extension of time: \$1590 fee (\$795 small entity discount)
- 5-month extension of time: \$2160 fee (\$1080 small entity discount)
- Information Disclosure Statement Fee: \$180 fee (no small entity discount)
- Notice of Appeal: \$500 fee (\$250 small entity discount)
- Filing a Brief in Support of Appeal: \$500 fee (\$250 small entity discount)
- Request for Oral Hearing: \$1000 fee (\$500 small entity discount)
- Utility Issue Fee: \$1400 fee (\$700 small entity discount)
- Recording each patent assignment per property (times number of properties): \$40 fee (no small entity fee discount)
- Request for Continued Examination: \$790 fee (\$395 small entity discount)
- Other: Petition for Revival

10/13/2006 CNGUYEN 00000014-10558843

02-FC-2011

150.00 OP